

**ORDINANCE 09-05**

**AN ORDINANCE TO AMEND ARTICLE XIV, SECTIONS 1.1; 1.1 (2); AND 1.1(3) , OF THE ZONING ORDINANCE OF THE CITY OF SPRING HILL, TENNESSEE**

WHEREAS, the Board of Mayor and Aldermen for the City of Spring Hill may, pursuant to its charter and general law of the State of Tennessee enact and amend zoning ordinance regulations in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the community.

WHEREAS, the Spring Hill Planning Commission has recommended to the Board of Mayor and Aldermen that the Zoning Ordinance of the City of Spring Hill, Tennessee be amended as hereafter described;

**BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE:**

That Article XIV, Section 1.1 of the Zoning Ordinance of the City of Spring Hill, Tennessee be amended by to include a map with the mailing. Section 1.1 shall read as follows:

*"The Planning Commission shall review and make recommendations to the Board of Mayor and Aldermen on all proposed amendments to this zoning Ordinance. Prior to this review and recommendation the Codes and Inspection Department for the City of Spring Hill shall provide, to each applicant for a re-zone, Planned Unit Development (PUD) or Traditional Neighborhood Development (TND) a sample letter, attached as Appendix XIV-A hereto, for mailing to property owners within five hundred (500) feet from any boundary line of the property presented for re-zone or for a reclassification in use. The letter will be provided upon filing of the application. The letter shall include upcoming schedules of the Planning Commission and Board of Mayor and Aldermen meetings wherein the request will be considered, along with the location, date and times of such meetings, a specific identification of the property to be considered, the current zoning classification, including a map of the property, the proposed zoning classification, a description of the proposed use, and a proposed sketch plat if the change in use would become a PUD or TND."*

That Article XIV, Section 1.1(3) of the Zoning Ordinance of the City of Spring Hill, Tennessee be amended by removing the return receipt requested language and allowing the notice to be sent by certified mail with the applicant maintaining records of the certified mailing for a period of one (1) year. Section 1.1(3) shall read as follows:

*"The property owner notification shall be accomplished by certified*

*mail. A sworn statement or affidavit from the applicant showing the names and addresses of each surrounding property owner who has been notified shall be delivered to the Codes and Inspection Department for the City of Spring Hill no later than 12:00 p.m. on the Wednesday prior to the Regular Meeting of the Planning Commission at which the item will first be discussed. In addition, this affidavit shall reference the certified mail numbers for each person notified in the mailing.*

*The applicant shall maintain records of the certified mailing for a minimum of one (1) year and shall make such documentation available at the request of the Codes and Inspection Department. The burden shall be on the applicant to prove that a good faith effort was made in the delivery of the certified mailings. The applicant is strongly encouraged to obtain proof of the actual or attempted delivery through the United States Postal Service.*

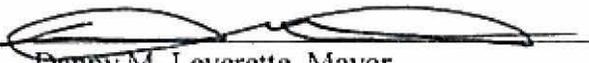
*Minor defects in the verification and/or notice shall not invalidate the amendment if there has been a bona fide attempt to comply with these rules and regulations."*

That Article XIV, Section 1.1 (2) of the Zoning Ordinance be amended by adding the following as the final paragraph of that Section:

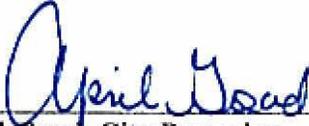
*"No additional notice will be required of the applicant if a change in the proposed rezone occurs at the Planning Commission meeting or a Board of Mayor and Aldermen meeting and the rezone change occurs within the same zoning district (Agricultural, Residential, Commercial, or Industrial) and is considered to be a down grade or down zone of the classification within the district. By example, if a proposed rezone is from AG to an R-2 classification and is modified at a meeting of the Planning Commission or Board of Mayor and Aldermen to an R-1 classification, then no additional notice would be required by the applicant. All other changes in the initially proposed request, including the changes in the zoning districts will require additional written notice as required herein."*

**BE IT FURTHER ENACTED**, that this Ordinance shall take effect from and after its passage and adoption the public welfare requiring it.

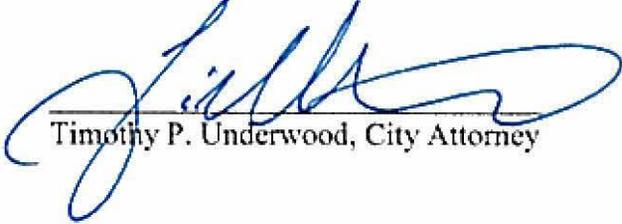
Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on the 16<sup>th</sup> day of March, 2009.

  
Danny M. Leverette, Mayor

ATTEST:

  
\_\_\_\_\_  
April Goad, City Recorder

LEGAL FORM APPROVED:

  
\_\_\_\_\_  
Timothy P. Underwood, City Attorney

Passed First Reading: February 17, 2009

Passed Second Reading March 16, 2009